

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

(b)(6);(b)(3):39 USC 410
(c)(2)

CQ Roll Call
2875 Woodland Dr. NW
Washington, DC 20008

(b)(6);(b)(3):39 USC 410 (c)(2)

Requester Default Category: News Media

General Information

Requester Category	News Media
Send Response Via	E-mail
Payment Mode	

Shipping Address

Address	2875 Woodland Dr. NW
Apartment/Suite Number	
City	Washington
State(US)	District of Columbia
Country	United States
Zip Code	20008

Request Information

Description Document	
Description of Request	I request any and all electronic or written communications regarding FOIA requests by the political action committee America Rising, as well as any and all electronic or written communications pertaining to FOIA requests with regard to Abigail Spanberger.
Date Range for Record Search:From	06/01/2018
Date Range for Record Search:To	08/29/2018
Privacy Waiver & Authorization	
Proof of Identity	

Fee Information

Willing Amount	\$25
Fee Waiver Requested	Yes
Fee Waiver Request Reason	This is a journalistic request that will report to the public how privileged information was allegedly released by the USPS FOIA office without the request being accompanied by required release documents.
Willing to Pay All Fees	No

Expedite Information

Expedited Processing Requested	Yes
Need for Expedited Processing	This request pertains to an alleged disregard of proper procedure by the United States Postal Service when it comes to releasing someone's personal information without their knowledge or consent.

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

(b)(6);(b)(3):39 USC 410 (c)(2)

820 First Street NE
8th Floor
Washington, DC 20002

(b)(6);(b)(3):39 USC 410 (c)(2)

Requester Default Category: News Media

General Information

Requester Category	News Media
Send Response Via	E-mail
Payment Mode	

Shipping Address

Address	820 First Street NE
Apartment/Suite Number	8th Floor
City	Washington
State(US)	District of Columbia
Country	United States
Zip Code	20002

Request Information

Description Document	2018-08-29 USPS foia request Abigail Spanberger.pdf
Description of Request	"...all records previously produced in response to a request from America Rising Corporation for the personnel files of Abigail Spanberger."
Date Range for Record Search:From	12/01/1900
Date Range for Record Search:To	08/29/2018
Privacy Waiver & Authorization	
Proof of Identity	

Fee Information

Willing Amount	\$100
Fee Waiver Requested	Yes
Fee Waiver Request Reason	Please see attached request.
Willing to Pay All Fees	No

Expedite Information

Expedited Processing Requested	Yes
Need for Expedited Processing	Please see attached request.

Submit New Request

Requester Details

To modify request details please update your requester profile or contact our office for assistance.

(b)(6);(b)(3):39 USC 410 (c)(2)

455 Massachusetts Ave NW
Suite 650
Washington, DC 20001

(b)(6);(b)(3):39 USC 410 (c)(2)

Requester Default Category: Other

General Information

Requester Category	Other
Send Response Via	E-mail
Payment Mode	Check

Shipping Address

Address	455 Massachusetts Ave NW
Apartment/Suite Number	Suite 650
City	Washington
State(US)	District of Columbia
Country	United States
Zip Code	20001

Request Information

Description Document	
Description of Request	Processing Notes And Correspondence On An America Rising FOIA Request Forwarded To USPS July 12, 2018. I am requesting all processing notes (including all e-mail correspondence) and records from July 12, 2018 through July 30, 2018 regarding or mentioning a FOIA Request submitted by America Rising and forwarded to USPS by the National Personnel Records Center (NPRC) of National Archives and Records Administration (NARA) on July 12, 2018 for records including the SF-86 for Abigail Spanberger.
Date Range for Record Search:From	07/12/2018
Date Range for Record Search:To	07/30/2018
Privacy Waiver & Authorization	
Proof of Identity	

Fee Information

Willing Amount	\$50
Fee Waiver Requested	No
Fee Waiver Request Reason	
Willing to Pay All Fees	No

Expedite Information

Expedited Processing Requested	No
Need for Expedited Processing	

Recipient Information
To: USPS HQ FOIA Requester Service Center
Company: MANAGER RECORDS OFFICE
Fax #: 12022685353

faxZERO.com
send a fax for free

Sender Information
From: (b)(6);(b)(3):39 USC 410 (c)(2)
(b)(6);(b)(3):39 USC 410 (c)(2)

Sent on: Tuesday, August 28 2018 at 10:08 PM EDT

(b)(6);(b)(3):39 USC 410 (c)(2)

MANAGER RECORDS OFFICE
US POSTAL SERVICE
475 L'ENFANT PLAZA SW RM 1P830
WASHINGTON DC 20260-1101

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

I hereby request the following documents for FOIA request 9114901496451615068011 (requester: America Rising Corporation):

1. Original request letter
2. Referral letter from National Personnel Records Center / National Archives and Records Administration
3. USPS response letter to requester
4. Documents released to requester

Further, I request that these documents be sent in any digital formats in which they exist, such as PDF. Under the terms of the Freedom of Information Act as amended, section (a)(3)(B), if a document exists in electronic format, it must be released in that format upon request.

The request is for my personal use and will not be used commercially. I agree to pay up to \$10 for this request. If it will be more than this, please let me know in advance.

Thank you for your help.

(b)(6);(b)(3):39 USC 410
(c)(2)

(b)(6);(b)(3):39 USC 410 (c)(2)

Chavannes-Battle, Nancy P - Washington, DC

From: Chavannes-Battle, Nancy P - Washington, DC
Sent: Wednesday, August 29, 2018 11:32 AM
To: FOIA - PA
Subject: FW: Freedom of Information Act Request

Please add this FOIA request in the system and assign it to me.

From: Partenheimer, David A - Washington, DC
Sent: Wednesday, August 29, 2018 10:55 AM
To: Castorina, Janine - Washington, DC (b)(6);(b)(3):39 USC 410 (c)(2); Eyre, Jane G - Washington, DC (b)(6);(b)(3):39 USC 410 (c)(2)
Subject: FW: Freedom of Information Act Request

Official FOIA request below from the Washington Post

From: (b)(6);(b)(3):39 USC 410 (c)(2)
Sent: Wednesday, August 29, 2018 10:11 AM
To: Partenheimer, David A - Washington, DC (b)(6);(b)(3):39 USC 410 (c)(2)
Subject: [EXTERNAL] Freedom of Information Act Request

Hello again, David.

As a follow-up, I am requesting copies of any Freedom of Information Act requests submitted or referred to the USPS related to Abigail Spanberger since January 2018. I am also requesting copies of any documents produced in response to those requests.

I am making this request under the Freedom of Information Act and am willing to pay any associated fees. Please do not hesitate to call me directly with any questions related to this request.

Regards,

(b)(6);(b)(3):39 USC 410 (c)(2)

From: (b)(6);(b)(3):39 USC 410 (c)(2)
Sent: Wednesday, August 29, 2018 8:23 AM
To: 'david.a.partenheimer@usps.gov' (b)(6);(b)(3):39 USC 410 (c)(2)
Subject: Washington Post query related to a USPS FOIA flap in Congressional race

Hi, David.

I'm a Washington Post reporter writing about a political flap related to information related to Democrat Abigail Spanberger, a former USPS employee running for Congress. A GOP PAC was shopping a story about her based on information in her job application to the USPS. Spanberger says the information was illegally leaked. The GOP says it got

the information from the USPS and provided copies of their FOIA to back that up. Spanberger insists the information could not have come from the FOIA because it included her unredacted Social Security number.

I'm wondering if anyone at the USPS can confirm whether the information was released and if the SS number was redacted or (perhaps in an oversight, as GOP suggests) not.

I'm writing the story as we speak but can update throughout the day.


Regards,

(b)(6);(b)(3):39 USC 410 (c)(2)

[View this email in your browser](#)

[\[mailchi.mp\]](#)

FOR IMMEDIATE RELEASE: AUGUST 28, 2018

 [\[congressionalleadershipfund.us15.list-manage.com\]](#) (202) 909-2443

CLF Issues Statement: What Is Abigail Spanberger Hiding

WASHINGTON – In a desperate attempt to prevent Virginia voters from learning about her record and background, Virginia's 7th Congressional District Democratic nominee, Abigail Spanberger, today sent a letter to the Congressional Leadership Fund (@CLFSuperPAC [\[congressionalleadershipfund.us15.list-manage.com\]](#)) – which her campaign then shared with select members of the media – threatening legal action over information about Spanberger that was obtained through legal channels. CLF is responding by releasing a [copy](#) [\[congressionalleadershipfund.us15.list-manage.com\]](#) of that letter to voters in Virginia's 7th Congressional District as well as documentation from the Freedom of Information Request (FOIA) and the records that were obtained from the United States Postal Service as the result of that request.

This included information about Spanberger's tenure working at the Islamic Saudi Academy in Northern Virginia.

which the Associated Press reported was dubbed "Terror High" after 12 U.S. Senators and a federal commissioner wanted to shut it down. Spanberger's former employer produced a number of well-known terrorists including Ahmed Omar Abu Ali, valedictorian of the academy in 1999, who was convicted in 2005 on charges of providing material support to the al Qaeda terrorist network. He was sentenced to 30 years in prison. This led U.S. Senate Democratic Leader Charles Schumer to issue a press release in 2005 [calling for a full-scale probe congressionalleadershipfund.us15.list-manage.com](#)] of the controversial Islamic school and questioning whether the Islamic Saudi Academy was "another madrassa." In addition, CLF is redacting the document to exclude personal information such as home addresses, telephone numbers, dates of birth and social security numbers, even though this information was released by the USPS as part of the response to the FOIA request.

x

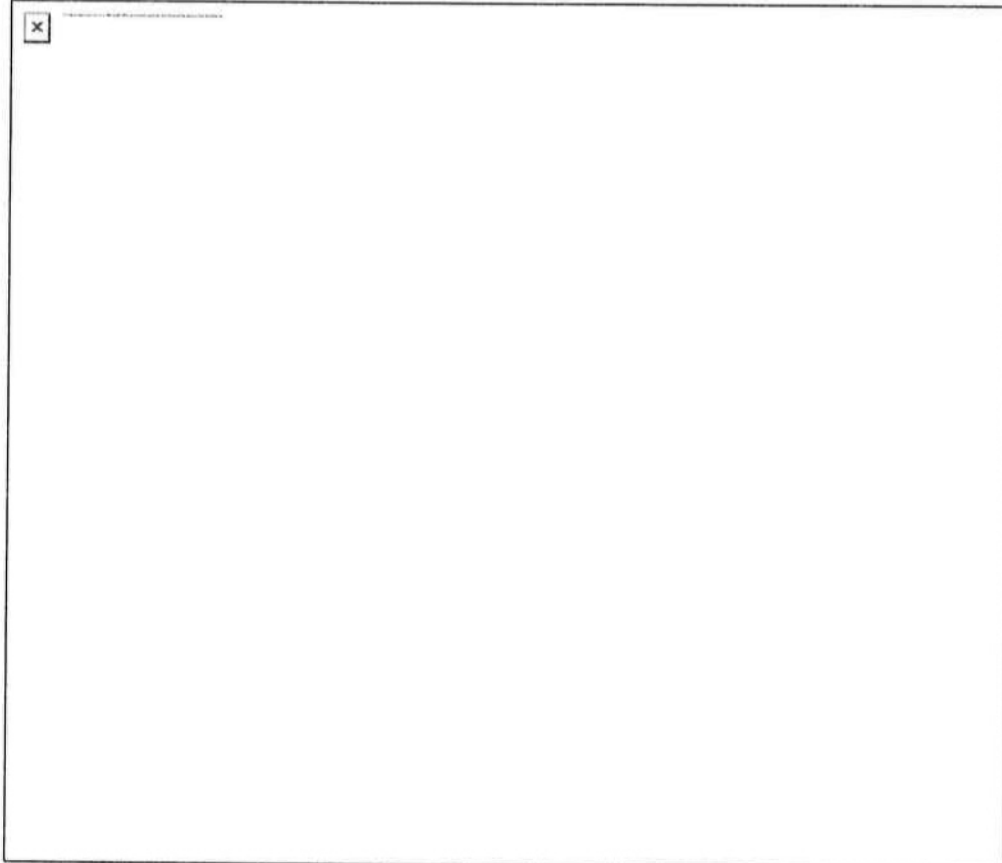
CLF spokesperson Courtney Alexander made the following statement about Spanberger's politically-motivated gambit today:

- **"It should surprise no one that Ms. Spanberger would want to hide from voters that she worked at a school that produced some of the world's most dangerous terrorists. CLF follows the letter of the law in examining any candidate's background and Ms. Spanberger was no different. That she's threatening legal action, however, should raise serious questions for voters about what else**

she is trying to hide. For any interested parties, CLF is happy to provide redacted copies of the information Ms. Spanberger is trying to hide from voters in Virginia.”

BACKGROUND:

- On **July 9, 2018**, America Rising Corp. submitted a FOIA request to the National Personnel Records Center "for access to certain records contained in the official civilian personnel file of former federal employee Abigail Spanberger. Specifically, this request seeks records reflecting Ms. Spanberger's employment dates, annual salaries, title, and position description."
- By letter dated **July 12, 2018**, NPRC/NARA forwarded the America Rising Corp. request to the United States Postal Service.
- On **July 30, 2018**, USPS responded to America Rising's request with their complete personnel file ("entire official personnel folder"), which included Spanberger's SF-86.



Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

(b)(6);(b)(3):39 USC 410 (c)(2)

HuffPost
11975 Bluff Creek Drive
Building 5
Los Angeles, DC 90094

(b)(6);(b)(3):39 USC 410 (c)(2)

Requester Default Category: News Media

General Information

Requester Category	News Media
Send Response Via	E-mail
Payment Mode	Check

Shipping Address

Address	11975 Bluff Creek Drive
Apartment/Suite Number	Building 5
City	Los Angeles
State(US)	District of Columbia
Country	United States
Zip Code	90094

Request Information

Description Document	
Description of Request	- a FOIA request from America Rising Corporation, dated July 9, requesting Abigail Spanberger's official civilian personnel file. - The personnel file on Abigail Spanberger that was provided to America Rising Corporation in response to their FOIA request
Date Range for Record Search:From	07/01/2018
Date Range for Record Search:To	08/28/2018
Privacy Waiver & Authorization	
Proof of Identity	

Fee Information

Willing Amount	\$25
Fee Waiver Requested	Yes
Fee Waiver Request Reason	In order to help to determine my status to assess fees, you should know that I am a representative of the news media affiliated with HuffPost, and this request is made as part of news gathering activity and not for commercial use.
Willing to Pay All Fees	I request a waiver of a No

Expedite Information

Expedited Processing Requested	Yes
Need for Expedited Processing	This request relates to information that is now the subject of public confusion and relates to an upcoming Congressional election in November.

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

(b)(6),(b)(3):39 USC 410 (c)(2)

Richmond Times-Dispatch
300 E. Franklin St.
Richmond, VA, VA 23219

(b)(6),(b)(3):39 USC 410 (c)(2)

Requester Default Category: News Media

General Information

Requester Category	News Media
Send Response Via	E-mail
Payment Mode	Check

Shipping Address

Address	300 E. Franklin St.
Apartment/Suite Number	
City	Richmond, VA
State(US)	Virginia
Country	United States
Zip Code	23219

Request Information

Description Document
Description of Request

I'd like a copy of a FOIA request made by America Rising Corporation, and the records and response to that request by the U.S. Postal Service. The FOIA was made July 9 to the National Personnel Records Center and was apparently sent to the U.S. Postal Service. On July 30, 2018, a Pamela Gabriel at the Postal Service signed a letter of response to America Rising that said, "Please find enclosed the entire Official Personnel Folder (OPF) for Abigail Spanberger" The Postal Service response had the USPS Tracking Number 91149014496451615068011

Date Range for Record
Search:From
Date Range for Record
Search:To
Privacy Waiver & Authorization
Proof of Identity

Fee Information

Willing Amount	\$25
Fee Waiver Requested	Yes
Fee Waiver Request Reason	I'm a newspaper reporter working on something of interest to the public about a political candidate
Willing to Pay All Fees	No

Expedite Information

Expedited Processing Requested	No
Need for Expedited Processing	



August 29, 2018

VIA ELECTRONIC MAIL

USPS Privacy & Records Management
Office
475 L'Enfant Plaza SW, Room 1P830
Washington, DC 20260-1101
FOIA12@usps.gov

FOIA Contact, Postal Inspection Service
Office of Counsel, Room 3301
475 L'Enfant Plaza SW
Washington, DC 20260-2101
foia@uspis.gov

Re: Expedited Freedom of Information Act Request

Dear Freedom of Information Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and your agency's implementing regulations, American Oversight makes the following request for records.

On August 28, 2018, *The New York Times* reported that a copy of former Central Intelligence Agency (CIA) officer and current congressional candidate Abigail Spanberger's security clearance application form was obtained by a Republican super PAC, the Congressional Leadership Fund, and is now being used for political purposes. The super PAC claims the document was obtained through a FOIA request filed by a Republican-aligned research firm, America Rising, and was processed by the National Archives and Records Administration (NARA) and the United States Postal Service (USPS).¹

American Oversight seeks records to determine whether federal government decisions and activities related to the processing of FOIA requests have been influenced by partisan political considerations.

Requested Records

American Oversight requests that USPS produce the following within twenty business days and seeks expedited review of this request for reasons identified below:

¹ Michael Tackett, *C.I.A. Officer-Turned-Candidate Says PAC Obtained Her Security Application*, N.Y. TIMES, Aug. 28, 2018, <https://www.nytimes.com/2018/08/28/us/politics/cia-officer-house-election-super-pac.html>; Grace Wyler & Jason Leopold, *In Unprecedented Move, the US Postal Service Released a Former CIA Officer's Security Application to a Republican Group*, BUZZFEEDNEWS (Aug. 29, 2018, 4:08 AM), <https://www.buzzfeednews.com/article/gracewyler/usps-releases-cia-officer-security-clearance-application>.



- 1.) All processing notes related to any FOIA request—including the release of responsive records—filed by America Rising, the Congressional Leadership Fund, or any other individual or entity, regarding Abigail Spanberger and her work history, personnel forms, and security clearance processing forms, including the SF-86.

Please provide all responsive records from July 10, 2017, through the date of the search.

- 2.) All processing notes related to any Privacy Act request—including the release of responsive records—regarding Abigail Spanberger and her work history, personnel forms, and security clearance processing forms, including the SF-86.

Please provide all responsive records from July 10, 2017, through the date of the search.

- 3.) All records reflecting communications (including emails, email attachments, text messages, voicemail transcripts, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Facebook Messenger, Twitter Direct Messages, or Signal), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) related to any FOIA request filed by America Rising, the Congressional Leadership Fund, or any other individual or entity, regarding Abigail Spanberger and her work history, personnel forms, and security clearance processing forms, including the SF-86.

Please provide all responsive records from July 10, 2017, through the date of the search.

In addition to the records requested above, American Oversight also requests records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all records regarding agency business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.² **It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.**³

In addition, please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency’s prior FOIA practices unreasonable. **In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches.**⁴ Furthermore, agencies that have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools would capture that email under Capstone. Accordingly, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption”

² See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

³ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016) (“The Government argues that because the agency had a policy requiring [the official] to forward all of his emails from his [personal] account to his business email, the [personal] account only contains duplicate agency records at best. Therefore, the Government claims that any hypothetical deletion of the [personal account] emails would still leave a copy of those records intact in [the official’s] work email. However, policies are rarely followed to perfection by anyone. At this stage of the case, the Court cannot assume that each and every work-related email in the [personal] account was duplicated in [the official’s] work email account.” (citations omitted)).

⁴ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

or “disclosure is prohibited by law.”⁵ If it is your position that any portion of the requested records is exempt from disclosure, American Oversight requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”⁶ Moreover, the *Vaughn* index “must describe *each* document or portion thereof withheld, and for *each* withholding it must discuss the consequences of disclosing the sought-after information.”⁷ Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”⁸

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document.⁹ Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

You should institute a preservation hold on information responsive to this request. American Oversight intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, you are on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight hopes to decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

⁵ FOIA Improvement Act of 2016 § 2 (Pub. L. No. 114-185).

⁶ *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

⁷ *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987) (emphases in original).

⁸ *Id.* at 224 (citing *Mead Data Central, Inc. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

⁹ *Mead Data Central*, 566 F.2d at 261.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's implementing regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to public understanding of those operations. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of activities of the government. The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how a federal government agency processes FOIA requests for records containing sensitive personal information of a candidate for federal office when that request is made by a group with a partisan political affiliation.¹⁰ The disclosure of the requested information also has the potential to show whether federal agencies have been influenced by political considerations into disregarding the requirements of the Privacy Act.¹¹ The American people deserve to know if partisan, political considerations at federal agencies have led to improper processing of FOIA requests with the potential to influence the outcome of rapidly approaching congressional elections. As discussed below, American Oversight has the ability and intent to disseminate the requested information to the public.

This request is primarily and fundamentally not for commercial purposes, but rather the primary interest is in public disclosure of responsive records. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.¹² American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content. For example, after receiving records regarding an ethics waiver received by a senior DOJ attorney,¹³ American Oversight promptly posted the records to its website and published an analysis of what the records

¹⁰ See Tackett, *supra* note 1; Wyler & Leopold, *supra* note 1.

¹¹ *Id.*

¹² American Oversight currently has approximately 11,900 page likes on Facebook and 44,800 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited August 29, 2018); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited August 29, 2018).

¹³ DOJ Civil Division Response Noel Francisco Compliance, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>.

reflected about DOJ's process for ethics waivers.¹⁴ As another example, American Oversight has a project called "Audit the Wall," where the organization is gathering and analyzing information and commenting on public releases of information related to the administration's proposed construction of a barrier along the U.S.-Mexico border.¹⁵

Accordingly, American Oversight qualifies for a fee waiver.

Request for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and your agency's implementing regulations, American Oversight requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief that the information requested is urgently needed in order to inform the public concerning actual or alleged government activity. 5 U.S.C. § 552(a)(6)(E)(1). Specifically, I certify to be true and correct to the best of my knowledge and belief, that there is an urgent need to inform the public about the processing of FOIA (or potentially improper Privacy Act) requests related to now-congressional candidate Abigail Spanberger's personnel files as a political organization has used sensitive personal information, purportedly gained from FOIA requests, to affect the outcome of a congressional election. Expert commenters have noted that such information is rarely, if ever, permissibly disclosed in response to a FOIA request.¹⁶ The American people urgently need to know whether partisan political considerations have caused federal agencies to act improperly in order to influence congressional elections. Moreover, the information American Oversight seeks concerns "a matter of a current exigency to the American public"¹⁷ because the American people urgently need to know whether federal agencies have acted improperly for partisan political advantage *before* the rapidly approaching congressional elections on November 6, 2018.

I further certify that American Oversight is primarily engaged in disseminating information to the public.¹⁸ American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,¹⁹ American Oversight "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work

¹⁴ *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

¹⁵ *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>.

¹⁶ See Wyler & Leopold, *supra* note 1.

¹⁷ *Al-Fayed v. Cent. Intelligence Agency*, 254 F.3d 300, 310 (D.C. Cir. 2001) (quoting H.R. Rep. No. 104-795, at 26 (1996), *reprinted in* 1996 U.S.C.C.A.N. 3448, 3469).

¹⁸ 5 U.S.C. § 552(a)(6)(E)(1).

¹⁹ See *ACLU v. U.S. Dep't of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep't of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

to an audience.²⁰ American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.²¹ As discussed previously, American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content.²²

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact (b)(6);(b)(3):39 USC 410 (c)(2). Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

(b)(6);(b)(3):39 USC 410 (c)(2)

American Oversight

²⁰ *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

²¹ American Oversight currently has approximately 11,900 page likes on Facebook and 44,800 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight> (last visited August 29, 2018); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight?lang=en> (last visited August 29, 2018).

²² See *DOJ Civil Division Response Noel Francisco Compliance*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>; *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>.

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

(b)(6);(b)(3):39 USC 410 (c)(2)

Lawfare
1755 Massachusetts Ave.
Washington, DC 20036

(b)(6);(b)(3):39 USC 410 (c)(2)

Requester Default Category: News Media

General Information

Requester Category	News Media
Send Response Via	E-mail
Payment Mode	Check

Shipping Address

Address	1755 Massachusetts Ave., N.W.
Apartment/Suite Number	
City	Washington
State(US)	District of Columbia
Country	United States
Zip Code	20036

Request Information

Description Document	USPS FOIA Request_Final.pdf
Description of Request	<p>1. Any FOIA request submitted to, forwarded to, or otherwise currently in your agency's possession seeking information or records relating to Abigail Spanberger.</p> <p>(For example, based on media reports, we understand that the organization American Rising submitted such a request on or about July 9. See Grace Wyler and Jason Leopold, "In An Unprecedented Move, The US Postal Service Released A Former CIA Officer's Security Application To A Republican Group," BuzzFeedNews.com (Aug. 29, 2018), https://bit.ly/2wDPWTV [hereinafter "BuzzFeed Article"].)</p> <p>2. Any documents provided to the requestor in response to the FOIA request(s) identified in paragraph 1, including but limited to any correspondence, cover letters, and responsive documents.</p> <p>3. Any documents describing or generated during the processing of the FOIA request(s) identified in paragraph 1, including but not limited to certifications, correspondence, clearance sheets, custodian records, search terms, and tracking sheets.</p> <p>4. Any correspondence or other communications—including but not limited to communications among personnel in your office and communication between personnel in your office and any third parties, such as other federal agencies—relating to the FOIA request(s) identified in paragraph 1.</p> <p>(For example, based on media reports, we understand that the National Personnel Records Center ("NPRC") sent a letter to America Rising on or about July 12 and transferred Spanberger's personnel file to the U.S. Postal Service ("USPS") for review and handling around the same time. We also understand that USPS provided America Rising with Spanberger's personnel folder, including an SF-86 form she had completed, on or about July 30. See BuzzFeed Article.)</p> <p>5. Any correspondence or other communications—including but not limited to communications among personnel in your office and communications between personnel in your office and any third parties, such as other federal agencies—relating to Abigail Spencer, her personnel record, her SF-86 form, or the FOIA request(s) identified in paragraph 1.</p>
Date Range for Record Search:From	01/01/2018
	08/29/2018

Date Range for Record
Search: To
Privacy Waiver & Authorization
Proof of Identity

Fee Information

Willing Amount	\$150
Fee Waiver Requested	Yes
Fee Waiver Request Reason	This request is submitted in connection with Lawfare's mission to publish information that is likely to contribute significantly to the public understanding of executive branch activities related to law and national security.
Willing to Pay All Fees	Yes

Expedite Information

Expedited Processing Requested	Yes
Need for Expedited Processing	The requested documents are directly relevant to an ongoing news story regarding the disclosure of Spanberger's SF-86 form, including alleged misconduct in the lead up to November's elections. Thus they are of urgent public interest.



August 29, 2018

VIA ELECTRONIC MAIL

USPS Privacy & Records Management
Office
475 L'Enfant Plaza SW, Room 1P830
Washington, DC 20260-1101
FOIA12@usps.gov

FOIA Contact, Postal Inspection Service
Office of Counsel, Room 3301
475 L'Enfant Plaza SW
Washington, DC 20260-2101
foia@uspis.gov

Re: Expedited Freedom of Information Act Request

Dear Freedom of Information Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and your agency's implementing regulations, American Oversight makes the following request for records.

On August 28, 2018, *The New York Times* reported that a copy of former Central Intelligence Agency (CIA) officer and current congressional candidate Abigail Spanberger's security clearance application form was obtained by a Republican super PAC, the Congressional Leadership Fund, and is now being used for political purposes. The super PAC claims the document was obtained through a FOIA request filed by a Republican-aligned research firm, America Rising, and was processed by the National Archives and Records Administration (NARA) and the United States Postal Service (USPS).¹

American Oversight seeks records to determine whether federal government decisions and activities related to the processing of FOIA requests have been influenced by partisan political considerations.

Requested Records

American Oversight requests that USPS produce the following within twenty business days and seeks expedited review of this request for reasons identified below:

¹ Michael Tackett, *C.I.A. Officer-Turned-Candidate Says PAC Obtained Her Security Application*, N.Y. TIMES, Aug. 28, 2018, <https://www.nytimes.com/2018/08/28/us/politics/cia-officer-house-election-super-pac.html>; Grace Wyler & Jason Leopold, *In Unprecedented Move, the US Postal Service Released a Former CIA Officer's Security Application to a Republican Group*, BUZZFEEDNEWS (Aug. 29, 2018, 4:08 AM), <https://www.buzzfeednews.com/article/gracewyler/usps-releases-cia-officer-security-clearance-application>.



All records related to the release or decision to release the personnel file (including the SF-86 therein) of Abigail Spanberger—whether in response to a FOIA request or for any other reason—including all records reflecting communications (including emails, email attachments, text messages, voicemail transcripts, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Facebook Messenger, Twitter Direct Messages, or Signal), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) concerning the release of Ms. Spanberger’s personnel file.

Please provide all responsive records from July 10, 2017, through the date of the search.

Given the political significance of this extraordinary release of sensitive personal information of a candidate for federal office, American Oversight requests that any records of USPS individuals involved in the decision to release Ms. Spanberger’s personnel file also be searched with following search terms in order to capture opaque or veiled references to the decision to release a record of such political import: “Spanberger” “Brat” “District 7” “7th District” “VA-7” “VA-07” “America Rising” “Pounder” “Raj Shah” “CLF” “Dem candidate”.

In addition to the records requested above, American Oversight also requests records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

Please search all records regarding agency business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.² **It is not adequate to rely on policies and procedures that**

² *See Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); *cf. Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.³

In addition, please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency’s prior FOIA practices unreasonable. **In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches.**⁴ Furthermore, agencies that have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies, **now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files.** For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools would capture that email under Capstone. Accordingly, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.”⁵ If it is your position that any portion of the requested records is exempt from disclosure, American Oversight requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is

³ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016) (“The Government argues that because the agency had a policy requiring [the official] to forward all of his emails from his [personal] account to his business email, the [personal] account only contains duplicate agency records at best. Therefore, the Government claims that any hypothetical deletion of the [personal account] emails would still leave a copy of those records intact in [the official’s] work email. However, policies are rarely followed to perfection by anyone. At this stage of the case, the Court cannot assume that each and every work-related email in the [personal] account was duplicated in [the official’s] work email account.” (citations omitted)).

⁴ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

⁵ FOIA Improvement Act of 2016 § 2 (Pub. L. No. 114–185).

actually exempt under FOIA.”⁶ Moreover, the *Vaughn* index “must describe *each* document or portion thereof withheld, and for *each* withholding it must discuss the consequences of disclosing the sought-after information.”⁷ Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”⁸

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document.⁹ Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

You should institute a preservation hold on information responsive to this request. American Oversight intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, you are on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight hopes to decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency’s implementing regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to public understanding of those operations. Moreover, the request is primarily and fundamentally for non-commercial purposes.

⁶ *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

⁷ *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987) (emphases in original).

⁸ *Id.* at 224 (citing *Mead Data Central, Inc. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

⁹ *Mead Data Central*, 566 F.2d at 261.

American Oversight requests a waiver of fees because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of activities of the government. The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how a federal government agency processes FOIA requests for records containing sensitive personal information of a candidate for federal office when that request is made by a group with a partisan political affiliation.¹⁰ The disclosure of the requested information also has the potential to show whether federal agencies have been influenced by political considerations into disregarding the requirements of the Privacy Act.¹¹ The American people deserve to know if partisan, political considerations at federal agencies have led to improper processing of FOIA requests with the potential to influence the outcome of rapidly approaching congressional elections. As discussed below, American Oversight has the ability and intent to disseminate the requested information to the public.

This request is primarily and fundamentally not for commercial purposes, but rather the primary interest is in public disclosure of responsive records. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.¹² American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content. For example, after receiving records regarding an ethics waiver received by a senior DOJ attorney,¹³ American Oversight promptly posted the records to its website and published an analysis of what the records reflected about DOJ's process for ethics waivers.¹⁴ As another example, American Oversight has a project called "Audit the Wall," where the organization is gathering and analyzing information and commenting on public releases of information related to the administration's proposed construction of a barrier along the U.S.-Mexico border.¹⁵

¹⁰ See Tackett, *supra* note 1; Wyler & Leopold, *supra* note 1.

¹¹ *Id.*

¹² American Oversight currently has approximately 11,900 page likes on Facebook and 44,800 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited August 29, 2018); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited August 29, 2018).

¹³ *DOJ Civil Division Response Noel Francisco Compliance*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>.

¹⁴ *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

¹⁵ *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>.

Accordingly, American Oversight qualifies for a fee waiver.

Request for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(i) and your agency's implementing regulations, American Oversight requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief that the information requested is urgently needed in order to inform the public concerning actual or alleged government activity. 5 U.S.C. § 552(a)(6)(E)(i). Specifically, I certify to be true and correct to the best of my knowledge and belief, that there is an urgent need to inform the public about the processing of FOIA (or potentially improper Privacy Act) requests related to now-congressional candidate Abigail Spanberger's personnel files as a political organization has used sensitive personal information, purportedly gained from FOIA requests, to affect the outcome of a congressional election. Expert commenters have noted that such information is rarely, if ever, permissibly disclosed in response to a FOIA request.¹⁶ The American people urgently need to know whether partisan political considerations have caused federal agencies to act improperly in order to influence congressional elections. Moreover, the information American Oversight seeks concerns "a matter of a current exigency to the American public"¹⁷ because the American people urgently need to know whether federal agencies have acted improperly for partisan political advantage *before* the rapidly approaching congressional elections on November 6, 2018.

I further certify that American Oversight is primarily engaged in disseminating information to the public.¹⁸ American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,¹⁹ American Oversight "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience."²⁰ American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.²¹ As discussed previously, American Oversight has

¹⁶ See Wyler & Leopold, *supra* note 1.

¹⁷ *Al-Fayed v. Cent. Intelligence Agency*, 254 F.3d 300, 310 (D.C. Cir. 2001) (quoting H.R. Rep. No. 104-795, at 26 (1996), *reprinted in* 1996 U.S.C.C.A.N. 3448, 3469).

¹⁸ 5 U.S.C. § 552(a)(6)(E)(i).

¹⁹ See *ACLU v. U.S. Dep't of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep't of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

²⁰ *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

²¹ American Oversight currently has approximately 11,900 page likes on Facebook and 44,800 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight> (last visited August 29, 2018); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight?lang=en> (last visited August 29, 2018).

demonstrated its commitment to the public disclosure of documents and creation of editorial content.²²

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact (b)(6);(b)(3):39 USC 410 (c)(2). Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

(b)(6);(b)(3):39 USC 410 (c)(2)

American Oversight
1030 15th Street NW, B255
Washington, DC 20005

²² See *DOJ Civil Division Response Noel Francisco Compliance*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>; *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>.

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

(b)(6);(b)(3);39 USC 410 (c)(2)

DCCC
430 South Capitol Street, SE
Washington, DC 20003

(b)(6);(b)(3);39 USC 410 (c)(2)

Requester Default Category: Other

General Information

Requester Category	Other
Send Response Via	E-mail
Payment Mode	

Shipping Address

Address	430 South Capitol Street, SE
Apartment/Suite Number	
City	Washington
State(US)	District of Columbia
Country	United States
Zip Code	20003

Request Information

Description Document	USPS FOIA.pdf
Description of Request	Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, et seq., I request access to and copies of the following records: Any FOIA requests sent to or forwarded to your office from another agency regarding Abigail Spanberger from January 1, 2017 to present. Any responses you have provided to the FOIA requests regarding Abigail Spanberger, from January 1, 2017 to present. Any related correspondence to the above detailed records, including correspondence both within your agency and between your agency and other government agencies or offices.
Date Range for Record Search:From	01/01/2017
Date Range for Record Search:To	08/31/2018
Privacy Waiver & Authorization	
Proof of Identity	

Fee Information

Willing Amount	\$50
Fee Waiver Requested	No
Fee Waiver Request Reason	
Willing to Pay All Fees	No

Expedite Information

Expedited Processing Requested	No
Need for Expedited Processing	

Chavannes-Battle, Nancy P - Washington, DC

From: Eyre, Jane G - Washington, DC
Sent: Friday, August 31, 2018 8:57 AM
To: Sherwood, Robin L - Washington, DC
Subject: FW: Freedom of Information Act Request

Can you please log in this new FOIA request?

From: Partenheimer, David A - Washington, DC
Sent: Friday, August 31, 2018 8:35 AM
To: Eyre, Jane G - Washington, DC (b)(6);(b)(3):39 USC 410 (c)(2) Castorina, Janine - Washington, DC
(b)(6);(b)(3):39 USC 410 (c)(2) Chavannes-Battle, Nancy P - Washington, DC (b)(6);(b)(3):39 USC 410 (c)(2)
Cc: Walker, Janice D - Washington, DC (b)(6);(b)(3):39 USC 410 (c)(2) Marshall, Thomas J - Washington, DC
(b)(6);(b)(3):39 USC 410 (c)(2)
Subject: FW: Freedom of Information Act Request

Jane and all, please see below new FOIA request for processing from the Washington Post.

Thanks

Dave

From: (b)(6);(b)(3):39 USC 410 (c)(2)
Sent: Friday, August 31, 2018 8:31 AM
To: Partenheimer, David A - Washington, DC (b)(6);(b)(3):39 USC 410 (c)(2)
Subject: [EXTERNAL] Freedom of Information Act Request

Dear David,

This is a request under the Freedom of Information Act, formalizing a request I made yesterday in the email below.

I am seeking copies of documents related all of the Freedom of Information requests that the USPS has mishandled since June 2018. You referred yesterday to a "small number" of requests that were mishandled in addition to Ms. Spanberger's. In the case of Ms. Spanberger and all of the other mishandled cases, I hereby request:

1. Copies of the Freedom of Information requests, including any cover letters and related correspondence.
2. The documents produced in response to those requests, including cover letters and related correspondence.

I understand that the personnel records that were erroneously released will need to be redacted to protect the privacy rights that the USPS now concedes were violated. But the FOIA requests themselves, including the names of the individuals or organizations seeking information, remain subject to disclosure. The same is true for any correspondence that USPS sent in reply to those FOIAS.

I am making this request as a reporter with The Washington Post, for purposes of news gathering and not for commercial use.

I look forward to your response. Please do not hesitate to contact me by email or phone with any questions.

Regards,

(b)(6);(b)(3):39 USC 410 (c)(2)

From: (b)(6);(b)(3):39 USC 410 (c)(2)

Sent: Thursday, August 30, 2018 3:07 PM

To: 'Partenheimer, David A - Washington, DC' (b)(6);(b)(3):39 USC 410 (c)(2)

Subject: RE: Freedom of Information Act Request

If you'd rather stick with email, here are some of the questions:

1. Is it your understanding that the release of the SF86 was inappropriate, or just its release in unredacted form? In other words, what was the error?
2. How many other information requests were improperly processed? Were any of those political candidates? What were the names of the people whose files were improperly handled, who requested those files and what specifically was improperly released? (In a nutshell, I would like to FOIA those FOIAs, though it probably makes sense to speak with you about this first in case the number is enormous. Barring that, I hereby request that information under the Freedom of Information Act.)
3. What changed in June 2018 that led to the errors? Have you had other complaints?

Thank you for any information you can provide.

Regards,

(b)(6);(b)(3):39 USC 410 (c)(2)

From: (b)(6);(b)(3):39 USC 410

Sent: Thursday, August 30, 2018 2:59 PM

To: 'Partenheimer, David A - Washington, DC' (b)(6);(b)(3):39 USC 410 (c)(2)

Subject: RE: Freedom of Information Act Request

Thanks again for the response. I have a few more questions and would love to ask if you are willing to do a phone interview: (b)(6);(b)(3):39 USC 410 (c)(2) my cell.

From: Partenheimer, David A - Washington, DC (b)(6);(b)(3):39 USC 410 (c)(2)

Sent: Thursday, August 30, 2018 1:32 PM

To: (b)(6);(b)(3):39 USC 410 (c)(2)

Subject: RE: Freedom of Information Act Request

[EXTERNAL EMAIL]

(b)(6);(b)(3) please see our statement on this below.

Best,
Dave

The Postal Service deeply regrets our mistake in inappropriately releasing Ms. Spanberger's Official Personnel File ("OPF") to a third-party, which occurred because of human error. We take full responsibility for this unfortunate error, and we have taken immediate steps to ensure this will not happen again. The Postal Service has addressed the issue by providing clear instructions and guidance to our employees tasked with the

responsibility for handling these requests, and we will follow up with additional training. The Postal Service also intends to change our process for handling requests for OPF information to provide further protection against its inadvertent release, and to ensure that such requests are properly handled. We are continuing our review, but believe the issue began in June of 2018, and that only a small number of additional requests for information from personnel files were improperly processed.

The privacy and security of personal information is of utmost importance to the Postal Service. The Postal Service offers our sincere apology to Ms. Spanberger, and we will request the return of the information which we mistakenly disclosed.

From: (b)(6);(b)(3):39 USC 410 (c)(2)
Sent: Wednesday, August 29, 2018 10:11 AM
To: Partenheimer, David A - Washington, DC (b)(6);(b)(3):39 USC 410 (c)(2)
Subject: [EXTERNAL] Freedom of Information Act Request

Hello again, David.

As a follow-up, I am requesting copies of any Freedom of Information Act requests submitted or referred to the USPS related to Abigail Spanberger since January 2018. I am also requesting copies of any documents produced in response to those requests.

I am making this request under the Freedom of Information Act and am willing to pay any associated fees. Please do not hesitate to call me directly with any questions related to this request.

Regards,

(b)(6);(b)(3):39 USC 410 (c)(2)

From: (b)(6);(b)(3):39 USC 410
Sent: Wednesday, August 29, 2018 8:23 AM
To: (b)(6);(b)(3):39 USC 410 (c)(2)
Subject: Washington Post query related to a USPS FOIA flap in Congressional race

Hi, David.

I'm a Washington Post reporter writing about a political flap related to information related to Democrat Abigail Spanberger, a former USPS employee running for Congress. A GOP PAC was shopping a story about her based on information in her job application to the USPS. Spanberger says the information was illegally leaked. The GOP says it got the information from the USPS and provided copies of their FOIA to back that up. Spanberger insists the information could not have come from the FOIA because it included her unredacted Social Security number.

I'm wondering if anyone at the USPS can confirm whether the information was released and if the SS number was redacted or (perhaps in an oversight, as GOP suggests) not.

I'm writing the story as we speak but can update throughout the day.

Regards,

[View this email in your browser](#)

[\[mailchi.mp\]](#)

FOR IMMEDIATE RELEASE: AUGUST 28, 2018

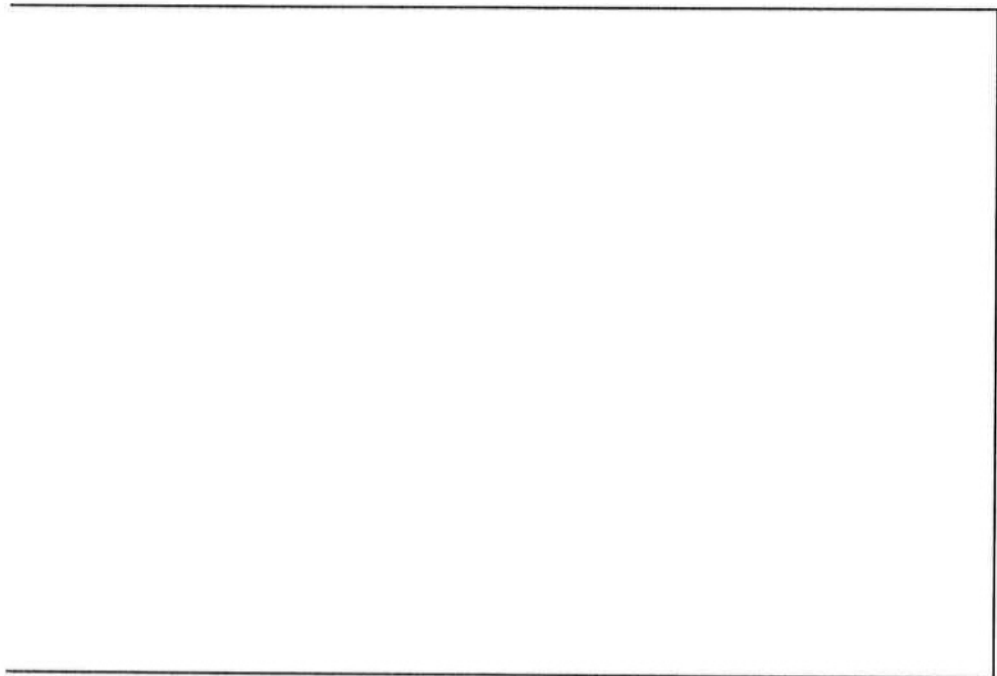
☐ [\[congressionalleadershipfund.us15.list-manage.com\]](#) (202) 909-2443

CLF Issues Statement: What Is Abigail Spanberger Hiding

WASHINGTON – In a desperate attempt to prevent Virginia voters from learning about her record and background, Virginia's 7th Congressional District Democratic nominee, Abigail Spanberger, today sent a letter to the Congressional Leadership Fund (@CLFSuperPAC [\[congressionalleadershipfund.us15.list-manage.com\]](#)) – which her campaign then shared with select members of the media – threatening legal action over information about Spanberger that was obtained through legal channels. CLF is responding by releasing a [copy](#) [\[congressionalleadershipfund.us15.list-manage.com\]](#) of that letter to voters in Virginia's 7th Congressional District as well as documentation from the Freedom of Information Request (FOIA) and the records that were obtained from the United States Postal Service as the result of that request.

This included information about Spanberger's tenure working at the Islamic Saudi Academy in Northern Virginia, which the Associated Press reported was dubbed "Terror High" after 12 U.S. Senators and a federal commissioner wanted to shut it down. Spanberger's former employer produced a number of well-known terrorists including Ahmed Omar Abu Ali, valedictorian of the academy in 1999, who was convicted in 2005 on charges of providing material support to the al Qaeda terrorist network. He was sentenced to 30 years in prison. This led U.S. Senate Democratic Leader Charles Schumer to issue a press release in 2005 [calling for a full-scale probe](#) [\[congressionalleadershipfund.us15.list-manage.com\]](#) of the controversial Islamic school and questioning

whether the Islamic Saudi Academy was "another madrassa." In addition, CLF is redacting the document to exclude personal information such as home addresses, telephone numbers, dates of birth and social security numbers, even though this information was released by the USPS as part of the response to the FOIA request.



CLF spokesperson Courtney Alexander made the following statement about Spanberger's politically-motivated gambit today:

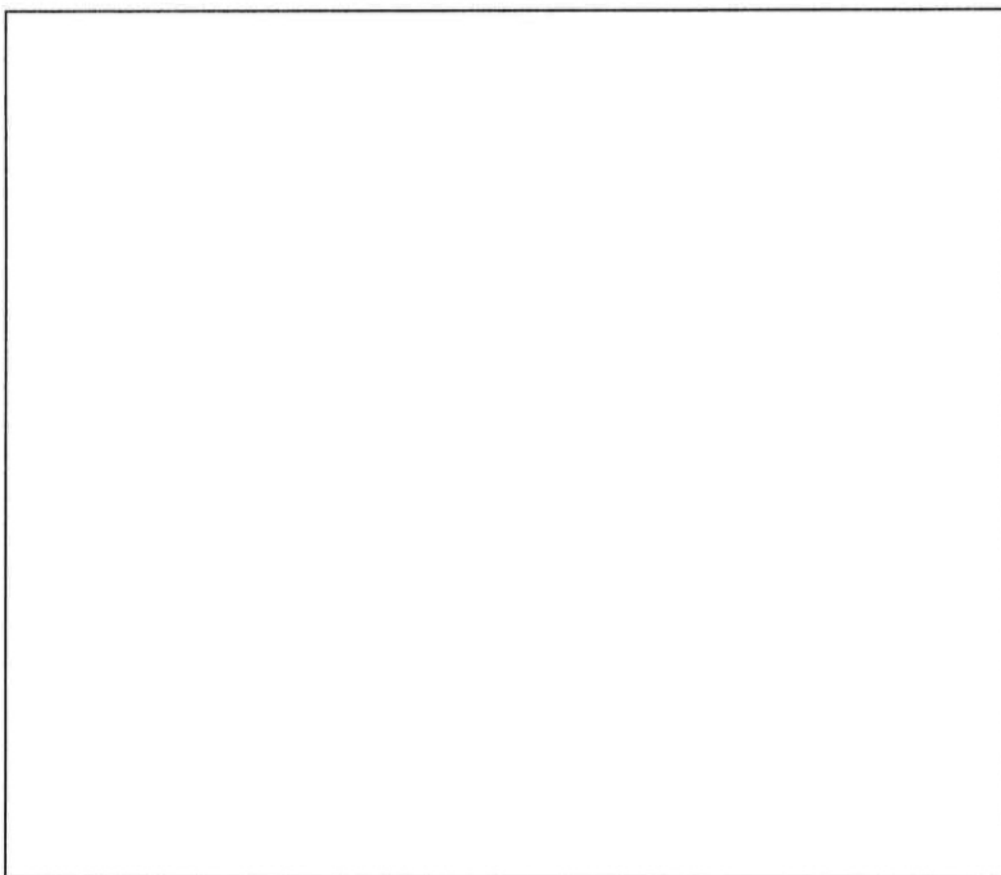
- **"It should surprise no one that Ms. Spanberger would want to hide from voters that she worked at a school that produced some of the world's most dangerous terrorists. CLF follows the letter of the law in examining any candidate's background and Ms. Spanberger was no different. That she's threatening legal action, however, should raise serious questions for voters about what else she is trying to hide. For any interested parties, CLF is happy to provide redacted copies of the information Ms. Spanberger is trying to hide from voters in Virginia."**

BACKGROUND:

- On **July 9, 2018**, America Rising Corp. submitted a FOIA request to the National Personnel Records Center "for access to certain records contained in the official civilian personnel file of former federal employee Abigail Spanberger. Specifically, this request seeks records reflecting Ms. Spanberger's

employment dates, annual salaries, title, and position description."

- By letter dated **July 12, 2018**, NPRC/NARA forwarded the America Rising Corp. request to the United States Postal Service.
- On **July 30, 2018**, USPS responded to America Rising's request with their complete personnel file ("entire official personnel folder"), which included Spanberger's SF-86.



[\[congressionalleadershipfund.us15.list-manage.com\]](https://congressionalleadershipfund.us15.list-manage.com)



[\[congressionalleadershipfund.us15.list-manage.com\]](https://congressionalleadershipfund.us15.list-manage.com)



[\[congressionalleadershipfund.us15.list-manage.com\]](https://congressionalleadershipfund.us15.list-manage.com)

1. Copies of the Freedom of Information requests from those organizations, including any cover letters and related correspondence.
2. The documents produced in response to those requests, including cover letters and related correspondence.

I am making this request as a reporter with The Washington Post, for purposes of news gathering and not for commercial use.

I look forward to your response. Please do not hesitate to contact me by email or phone with any questions.

Regards,

(b)(6);(b)(3):39 USC 410 (c)(2)

From: Sherwood, Robin (b)(6);(b)(3):39 USC 410 (c)(2)

Sent: Friday, August 31, 2018 10:07 AM

To: (b)(6);(b)(3):39 USC 410 (c)(2)

Subject: USPS FOIA Case No. 2018-FPRO-01302

[EXTERNAL EMAIL]

(b)(6);(b)(3):39 USC 410
(c)(2)

Please see the attached correspondence from the United States Postal Service.

Sincerely,
USPS FOIA Requester Service Center

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

(b)(6);(b)(3):39 USC 410 (c)(2)

CNN
One Time Warner Center
5th Floor
New York, NY 10019

(b)(6);(b)(3):39 USC 410 (c)(2)

Requester Default Category: News Media

General Information

Requester Category	News Media
Send Response Via	E-mail
Payment Mode	Check

Shipping Address

Address	One Time Warner Center
Apartment/Suite Number	5th Floor
City	New York
State(US)	New York
Country	United States
Zip Code	10019

Request Information

Description Document	
Description of Request	I hereby request any and all Freedom of Information Act requests for records pertaining to Abigail Spanberger, submitted between December 1 2017 and August 1 2018. This is not a request for the materials responsive to said requests but for the requests themselves. Thank you.
Date Range for Record Search:From	12/01/2017
Date Range for Record Search:To	08/01/2018
Privacy Waiver & Authorization	
Proof of Identity	

Fee Information

Willing Amount	\$25
Fee Waiver Requested	No
Fee Waiver Request Reason	
Willing to Pay All Fees	No

Expedite Information

Expedited Processing Requested	No
Need for Expedited Processing	

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

(b)(6);(b)(3):39 USC 410 (c)(2)

Talking Points Memo
37 W 20th St
702
New York, NY 10011

(b)(6);(b)(3):39 USC 410 (c)(2)

Requester Default Category: News Media

General Information

Requester Category	News Media
Send Response Via	Mail
Payment Mode	Check

Shipping Address

Address	37 W 20th St
Apartment/Suite Number	702
City	New York
State(US)	New York
Country	United States
Zip Code	10011

Request Information

Description Document
Description of Request

All communications within USPS regarding:

- America Rising executive Allan Blutstein's FOIA request, initially made to the National Personnel Records Center and then transferred to USPS, regarding "the official civilian personnel file of former federal employee Abigail Spanberger."
- USPS' handling of Blutstein's FOIA request, including the release of "the entire Office Personnel Folder (OPF) for Abigail Spanberger" to America Rising.

In addition, please include all USPS communications with the National Personnel Records Center regarding Blutstein's FOIA request.

The quoted material above comes from a report from Roll Call (found here: <https://www.rollcall.com/news/politics/ryans-pac-followed-rules-in-obtaining-sensitive-documents-about-virginia-democrat>) in which the publication appears to quote from America Rising's FOIA request, and possibly from communications between America Rising and NPRC/USPS.

Date Range for Record
Search:From
Date Range for Record
Search:To
Privacy Waiver & Authorization
Proof of Identity

07/08/2018

07/31/2018

Fee Information

Willing Amount	\$25
Fee Waiver Requested	Yes ,Fee Waiver Request.pdf
Fee Waiver Request Reason	TPM has reported extensively on the disclosure of Spanberger's personnel file. The disclosure of information as a result of this request would be in the public interest; it would not be primarily in TPM's commercial interest.
Willing to Pay All Fees	No

Expedite Information

Expedited Processing Requested	Yes ,Expedited Processing Request.pdf
--------------------------------	---------------------------------------

Need for Expedited Processing

TPM has reported extensively on the release of Spanberger's personnel file. The disclosure was made to a group working on the 2018 elections. That disclosure could affect the elections, as could the disclosure requested here.

National Personnel Records Center, Annex
Civilian Personnel Records
1411 Boulder Boulevard
Valmeyer, IL 62295

August 30, 2018

Via Fax: 314-801-9269

Re: Freedom of Information Act Request

Dear Records Officer,

This is a request pursuant to the Freedom of Information Act for access to certain records contained in the official civilian personnel file of former federal employee Abigail Spanberger. Specifically, this request seeks records reflecting Ms. Spanberger's employment dates, annual salaries, title, and position description. To facilitate the agency's search, below is additional information concerning Ms. Spanberger:

Full name:	Abigail Anne Davis Spanberger
Date of birth:	(b)(6)
SSN:	(b)(6)
Agency:	U.S. Postal Inspection Service
Date of Service:	2002-2006 (approx.)

Please search for responsive records regardless of format, medium, or physical characteristics. Where possible, please produce records electronically, in PDF or TIF format, via email or CD, particularly if providing the information reduces the time or expense involved. If your office cannot honor this preference, I am willing to discuss the most cost-effective and efficient means of duplication. I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$200. However, please notify me prior to your incurring any expenses in excess of that amount.

If any records are withheld or redacted, I request that you state the specific legal and factual grounds for withholding any documents or portions of documents. Please identify each document that falls within the scope of this request but is withheld from release and provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1972). Please describe each document claimed as exempt including the consequences of supplying the sought-after information. If it is your determination that some portions of requested records are exempt, please disclose any reasonably segregable non-exempt portions of the requested records.

If requested documents are located in another installation or bureau, I respectfully request that you please refer this request or any relevant portion of this request to the appropriate installation or bureau.

To help assess my status for copying and mailing fees, please note that I am gathering information for research purposes and not for commercial activities. The DCCC is organized and operates under section 527 of the Internal Revenue Code as a political organization and as a domestic non-profit corporation by the District of Columbia Department of Consumer and Regulatory Affairs pursuant to D.C. law. See D.C. Code § 29-402.01 *et seq.* As such, access to records that the DCCC requests never further any commercial, trade or profit interests of the DCCC because the DCCC does not have such interests. Additionally, disclosure of the information sought is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the National Personnel Records Center and will shed light on whether the government is functioning with the public's best interests in mind, and therefore, no charge or only a reduced charge should be imposed. 5 U.S.C. § 552(a)(4)(A)(iii).

Thank you for your cooperation with this request. If necessary, I welcome the opportunity to discuss whether and to what extent this request can be narrowed or modified to better enable the National Personnel Records Center to

2018 AUG 30 PM 3:43

SEP 4 PM 12:53

process it within the FOIA's twenty-day statutory deadline. Please do not hesitate to contact me at my direct line at
(b)(6);(b)(3):39 USC 410 (c)(2)

Sincerely,

(b)(6);(b)(3):39 USC 410 (c)(2)

DCCC

430 S. Capitol St. SE

Washington, D.C. 20003

(b)(6);(b)(3):39 USC 410 (c)(2)

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

(b)(6);(b)(3):39 USC 410 (c)(2)

Richmond Times-Dispatch
300 E. Franklin St.
Richmond, VA, VA 23219

(b)(6);(b)(3):39 USC 410 (c)(2)

Requester Default Category: News Media

General Information

Requester Category	News Media
Send Response Via	E-mail
Payment Mode	Check

Shipping Address

Address	300 E. Franklin St.
Apartment/Suite Number	
City	Richmond, VA
State(US)	Virginia
Country	United States
Zip Code	23219

Request Information

Description Document	
Description of Request	In December 2017 a (b)(6);(b)(3):39 USC 410 (c)(2) submitted a FOIA request to the U.S. Postal Inspection Service by mail asking for records relating to Abigail Spanberger. I'd please like a copy of the request letter mailed by Mr. Allen.
Date Range for Record Search:From	12/01/2017
Date Range for Record Search:To	09/11/2018
Privacy Waiver & Authorization	
Proof of Identity	

Fee Information

Willing Amount	\$25
Fee Waiver Requested	No
Fee Waiver Request Reason	
Willing to Pay All Fees	No

Expedite Information

Expedited Processing Requested	No
Need for Expedited Processing	

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

(b)(6);(b)(3):39 USC 410 (c)(2)

Requester Default Category: Other

General Information

Requester Category
Send Response Via
Payment Mode

Other
E-mail

Shipping Address

Address
Apartment/Suite Number
City
State(US)
Country
Zip Code

(b)(6);(b)(3):39 USC 410 (c)(2)

Request Information

Description Document
Description of Request

On August 31, 2018, I received a letter stating that my "name, address, date of birth, and social security number" was inadvertently disclosed to "American Rising Corporation" during a "routine Freedom of Information Act (FOIA) request." I believe my information was actually delivered to America Rising Corporation on or around July 30, 2018. I would like a copy of the FOIA request from America Rising Corporation that led to the inadvertent disclosure of my information. Specifically, I would like to see the FOIA request ID and the response letter sent to America Rising in response.

Date Range for Record

07/01/2018

Search:From

Date Range for Record

07/31/2018

Search:To

Privacy Waiver & Authorization

Proof of Identity

Fee Information

Willing Amount
Fee Waiver Requested
Fee Waiver Request Reason
Willing to Pay All Fees

\$25
No
No
No

Expedite Information

Expedited Processing
Requested
Need for Expedited Processing

No

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

(b)(6);(b)(3):39 USC 410 (c)(2)

Richmond Times-Dispatch
300 E. Franklin St.
Richmond, VA, VA 23219

(b)(6);(b)(3):39 USC 410 (c)(2)

Requester Default Category: News Media

General Information

Requester Category	News Media
Send Response Via	E-mail
Payment Mode	Check

Shipping Address

Address	300 E. Franklin St.
Apartment/Suite Number	
City	Richmond, VA
State(US)	Virginia
Country	United States
Zip Code	23219

Request Information

Description Document	
Description of Request	I believe that around late August the Postal Service sent letters to both Abigail Spanberger (a congressional candidate in Virginia) and her (b)(6);(b)(3):39 USC 410 (c)(2) discussing release of their SF-86. I believe there was a letter to each person. I'd like to please request a copy of those letters.
Date Range for Record Search:From	07/23/2018
Date Range for Record Search:To	09/10/2018
Privacy Waiver & Authorization	
Proof of Identity	

Fee Information

Willing Amount	\$25
Fee Waiver Requested	No
Fee Waiver Request Reason	
Willing to Pay All Fees	No

Expedite Information

Expedited Processing Requested	No
Need for Expedited Processing	



Sept. 19, 2018

U.S. Postal Service

FOIA Office

Under the Freedom of Information Act, I am respectfully requesting a copy of a July 30, 2018 letter that the USPS sent to America Rising Corp., 1500 Wilson Blvd, Arlington, VA 22209-2458.

The letter was a request for the "Official Personnel Folder for Abigail Spanberger." It was signed by

(b)(6);(b)(3):39 USC 410 (c)(2)

We are NOT requesting the personnel folder itself – only the letter that the USPS sent to American Rising Corp. We are seeking proof that this company had indeed requested the file in the first place.

In order to help to determine my status to assess fees, you should know that I am a full-time reporter for The Associated Press in Washington, D.C.

This request is made as part of news gathering and not for a commercial use. I request a waiver of all fees for this request.

Disclosure of the requested information to me is part of public reporting conducted by The AP.

Thank you for your consideration of this request.

(b)(6);(b)(3):39 USC 410 (c)(2)

Associated Press, national security reporter

1100 13th St. NW

Washington, DC 20005

Chavannes-Battle, Nancy P - Washington, DC

From: Woody, Cheryl L - Washington, DC
Sent: Friday, September 28, 2018 6:38 AM
To: FOIA - PA
Subject: FW: [EXTERNAL] RE: Freedom of Information Act Request: Abigail Spanberger FOIA release issues (United States Postal Service)

FYI

From: (b)(6);(b)(3):39 USC 410 (c)(2)
Sent: Thursday, September 27, 2018 2:24 PM
To: Woody, Cheryl L - Washington, DC (b)(6);(b)(3):39 USC 410 (c)(2)
Subject: [EXTERNAL] RE: Freedom of Information Act Request: Abigail Spanberger FOIA release issues (United States Postal Service)

United States Postal Service
FOIA Office
Room 9431
475 L'Enfant Plaza Southwest
Washington, DC 20260-1101

September 27, 2018

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on Aug. 29, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com

E-mail (b)(6);(b)(3):39 USC 410 (c)(2)

(b)(6);(b)(3):39 USC 410 (c)(2)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

(b)(6);(b)(3):39 USC 410 (c)(2)

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Aug. 29, 2018:

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

All records relating to:

FOIA requests by the Congressional Leadership Fund and/or America Rising Corporation about Abigail Spanberger, including but not limited to processing notes, internal communications, the response letter(s), and responsive documents.

All references to this string of numbers: 9114901496451615068011

All correspondence from 2018 about Abigail Spanberger in general.

All 2018 correspondence with the Congressional Leadership Fund and/or America Rising Corporation.

All 2018 references to anyone named (b)(6);(b)(3):39 USC 410 (c)(2)

Templates used for FOIA response letters.

I ask for whatever fee waiver you grant for members of the media as this is part of my reporting process for Gizmodo Media Group. Also, as this relates to an ongoing story involving matter of public concern about potential government corruption, I ask that this request be expedited, as well.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

(b)(6);(b)(3):39 USC 410 (c)(2)

Filed via MuckRock.com

E-mail (b)(6);(b)(3):39 USC 410 (c)(2)

(b)(6);(b)(3):39 USC 410 (c)(2)

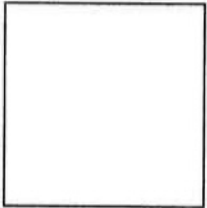
reply

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

(b)(6);(b)(3);39 USC 410 (c)(2)

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



FAX**Date:** 07/09/2018**Pages including cover sheet:** 2

To:	
Phone	
Fax Number	(b)(6)

From:	America Rising
	America Rising
	1500 Wilson Blvd
	Arlington
	VA 22209
Phone	(b)(6)
Fax Number	(b)(6)

NOTE:

FOIA request

AMERICA RISING

CORPORATION

2018 JUL -9 PM 2: 59

1500 Wilson Boulevard, 5th Floor, Arlington, VA 22209

July 9, 2018

VIA FAX: (618) 935-3014

National Personnel Records Center
1411 Boulder Boulevard
Valmeyer, IL 62295

To whom it may concern:

This is a request pursuant to the Freedom of Information Act for access to certain records contained in the official civilian personnel file of former federal employee Abigail Spanberger. Specifically, this request seeks records reflecting Ms. Spanberger's employment dates, annual salaries, title, and position description. To facilitate the agency's search, below is additional information concerning Ms. Spanberger:

Full name: Abigail Anne Davis Spanberger
Date of birth: (b)(6)
SSN: (b)(6)
Agency: U.S. Postal Inspection Service
Date of Service: 2002-2006 (approx.)

For fee purposes, America Rising should be categorized as an "all other" requester in accordance with 5 U.S.C. § 552(a)(4)(A)(ii)(III). America Rising intends to inform the public about the existence and content of any disclosed records, which concern the qualifications of a candidate for Congress. America Rising is not making this request on behalf of any client, nor does it intend to use the records for financial gain. See, e.g., ARCHIVE, www.americarisingarchive.com (America Rising's document library).

America Rising agrees to pay applicable fees up to \$25.00. To reduce the burden of production, America Rising will accept records electronically or double-sided copies.

Thank you in advance for your time and assistance.

Sincerely,

(b)(6)

Vice President, FOIA Operations

(b)(6)

REQUEST FOR OFFICIAL PERSONNEL FOLDER

(SEPARATED EMPLOYEE)

1. DATE OF REQUEST

7/9/2018

SECTION I - TO BE COMPLETED BY REQUESTING PERSONNEL OFFICE

2. CURRENT NAME (Last, first, middle)

SPANBERGER, ABIGAIL

3. DATE OF BIRTH (mm/dd/yyyy)

(b)(6)

4. SOCIAL SECURITY NUMBER

(b)(6)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
 NATIONAL PERSONNEL RECORDS CENTER
 (Civilian Personnel Records)
 1411 Boulder Boulevard
 Valmeyer, IL 62295-2603

(b)(6)

ONE FORM IS REQUIRED FOR EACH FOLDER REQUESTED. REQUESTS MAY BE FAXED OR MAILED TO THE NATIONAL PERSONNEL RECORDS CENTER.

5. PREVIOUS FEDERAL EMPLOYMENT

AGENCY AND BUREAU	LOCATION	FROM	TO
USPS	WASHINGTON DC	1/24/2004	7/6/2006 ✓

6. REASON FOR REQUEST (Check appropriate box)

☐ a. Currently employed.☐ b. Temporary use.☐ c. Pre-employment consideration. Will retain folder if hired.

7. Remarks

SECTION II - FOR USE BY RECORDS CENTER☒ a. Paper OPF Folder shipped.☐ b. eOPF Folder transmitted.☐ c. eOPF Paper Copy shipped.☐ d. Paper / eOPF (Circle one or both) record/s restricted. Transcript of Service will be sent☐ e. Our search did not reveal a Paper OPF or eOPF record for the civilian Federal employment claimed.☐ f. Paper OPF Folder not located. For a former employee of your agency, we suggest a further search of your agency. If still unlocated, verify name, date of birth and social security number, and return request to NPRC together with the date folder was transferred to NPRC and several names, dates of birth, and social security numbers of other folders in same shipment.☐ g. Our search found evidence of a Paper OPF folder that has not been received by this center. Suggest that you contact the last employing office.☐ h. Folder was sent (Date)

To:

☐ Your Agency☐ i. Other/details

DATE

7/16/2018

INITIALS

WT

SECTION III - TO BE COMPLETED BY REQUESTING PERSONNEL OFFICE

FULL NAME OF REQUESTING AGENCY (INCLUDE SUB AGENCY)

NAME OF REQUESTER

TELEPHONE NO. (Include area code)

AGENCY RECORD GROUP

AGENCY CHARGE ACCOUNT

EXT

UNITED STATES POSTAL SERVICE
 GENERAL MANAGER
 CORPORATE PERSONNEL MANAGEMENT
 475 L'ENFANT PLAZA SW, ROOM 1831
 WASHINGTON DC 20260-4261

Enter complete
 address to which folder
 or reply is to be mailed.
 Include ZIP Code.

REPLY TO INQUIRY (NCP)

DATE:

7/12/2018

SUBJECT:

Your Reference

SPANBERGER, ABIGAIL

Date of Inquiry:

The answer to your inquiry is furnished below. This abbreviated form of reply has been adopted as a means of supplying information in a timely manner.

The Freedom of Information Act does allow certain information to be released without the written consent of the individual. The following information is releasable to the public:

Name
Past and present positions.
Past and present salaries (performance awards).
Past and present grades.
Past and present agencies and locations.

The United States Postal Service retains custody of all personnel folders of prior employees. Therefore, we are forwarding the OPF, along with all documents of your request, to the following address. There, they will review and handle your request.

United States Postal Service
General Manager
Corporate Personnel Management
475 L'Enfant Plaza SW, Room 1831
Washington DC 20260-4261

WT

AMERICA RISING CORPORATION
1500 WILSON BLVD 5TH FLR
ARLINGTON VA 22209

NATIONAL PERSONNEL RECORDS CENTER

☐ Military Personnel Records
9700 Page Avenue
St. Louis, MO 63132-5100

☒ Civilian Personnel Records
1411 BOULDER BLVD.
VALMEYER, IL 62295

The James Madison Project
1250 Connecticut Avenue, N.W.
Suite 700
Washington, D.C. 20036

(b)(6);(b)(3):39 USC 410

(202) 330-5610 fax

(b)(6);(b)(3):39 USC 410 (c)(2)

August 28, 2018

VIA ONLINE PORTAL

Jane Eyre
Deputy Chief FOIA Officer
USPS Privacy & Records Management Office
475 L'Enfant Plaza, SW, Room 1P830
Washington, D.C. 20260

Re: FOIA Request

Dear Ms. Eyre:

This is a request on behalf of The James Madison Project ("JMP"), (b)(6);(b)(3):39 USC 410 (b)(6);(b)(3):39 USC 410 (c)(2) hereinafter referred to collectively as "the Requesters") under the Freedom of Information Act, 5 U.S.C. § 552, *et seq.*

On August 28, 2018, it was reported that the Official Personnel File, including the Standard Form 86, of former U.S. Government official Abigail Spanberger ("Ms. Spanberger") had been released by the U.S. Postal Service ("USPS") to America Rising, a research firm aligned with the Republican Party. Ms. Spanberger is currently a candidate for Congress in Virginia and is a member of the Democratic Party. America Rising issued a statement claiming that the documents at issue, including the Standard Form 86, had been released by USPS through a FOIA request. <https://www.nytimes.com/2018/08/28/us/politics/cia-officer-house-election-super-pac.html?smtyp=cur&smid=tw-nytimes> (last accessed August 28, 2018).

The Requesters seek copies of two distinct sets of records:

- 1) The original FOIA request(s) submitted by America Rising that sought copies of Ms. Spanberger's Official Personnel File, including her Standard Form 86; and
- 2) All correspondence issued by USPS to America Rising in response to their FOIA request(s), including the final correspondence reflecting the release of responsive records.

The USPS can exclude from the scope of its searches the actual records themselves that were sought and ultimately produced by USPS to America Rising. The Requesters are only seeking copies of the correspondence.

"Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives."

James Madison, 1822

USPS should ensure that its search for responsive records encompasses U.S. Government civilian employees, detailees, military officials, political appointees, Constitutional officers, and contract staff. Searches should also encompass any official communications sent using either Government-issued phones or personal mobile devices upon which Government officials relied in any form for conducting official business.

We are requesting a waiver of or, at a minimum, a reduction in fees. The Requesters qualify – in their own respective rights – for designation as representatives of the news media.

JMP is a non-partisan organization dedicating to promoting government accountability and the reduction of secrecy. <http://jamesmadisonproject.org/> (last accessed August 28, 2018). The organization is a frequent FOIA requester and litigator and Federal agencies routinely and regularly grant JMP fee waivers. (b)(6);(b)(3);39 USC 410 (c)(2)

(b)(6);(b)(3);39 USC 410 (c)(2) for the Daily Beast, respectively. <http://www.thedailybeast.com/company/about-us.html> (last accessed August 28, 2018).

The Requesters can disseminate information on a wide scale and intend to use information obtained through this FOIA request in original works, particularly through news articles written by (b)(6);(b)(3);39 USC 410 (c)(2) According to 5 U.S.C. § 552(a)(4)(A)(ii),

the term ‘a representative of the news media’ means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.

The Requesters can demonstrate their intent and ability to publish or otherwise disseminate information to the public. See Nat’l Security Archive v. Dep’t of Defense, 880 F.2d 1381, 1386 (D.C. Cir. 1989). (b)(6);(b)(3);39 USC 410 (c)(2) maintain the ability to publish articles explaining the content of any responsive records received as part of this request. In the event that fees are ultimately assessed, do not incur expenses beyond \$25 without first contacting our office for authorization.

The Requesters are also seeking expedited processing of their FOIA request. FOIA permits expedited processing when a “compelling need” exists. 5 U.S.C. § 552(a)(6)(E)(v). Specifically, “compelling need” means “with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.” Id. at § 552(a)(6)(E)(v)(II). The records responsive to this request would bring clarity to what extent the USPS did in fact release to a third party requester the personnel file and security clearance paperwork of Ms. Spanberger. Based on extensive personal experience handling FOIA matters, I can state with confidence I have never heard of an individual’s Standard Form 86 ever being properly and lawfully released to a third party via

FOIA absent a privacy waiver or demonstration of an overriding public interest (and I struggle to imagine either is applicable in this situation).

If you deny all or part of this request, please cite the specific exemptions you believe justify your refusal to release the information or permit the review and notify us of your appeal procedures available under the law. We request that any documents or records produced in response to this request be provided in electronic (soft-copy) form wherever possible. Acceptable formats are .pdf, .jpg, .gif, .tif. Please provide soft-copy records by email or on a CD if email is not feasible. However, the Requesters do not agree to pay an additional fee to receive records on a CD, and in the instance that such a fee is required, the Requesters will accept a paper copy of responsive records.

Your cooperation in this matter would be appreciated. If you wish to discuss this request, please do not hesitate to contact me at (b)(6);(b)(3):39 USC 410 (c)(2)

Sincerely,

(b)(6);(b)(3):39 USC 410 (c)(2)

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

(b)(6);(b)(3);39 USC 410 (c)(2)

CNN
820 First Street NE
8th Floor
Washington, DC 20002

(b)(6);(b)(3);39 USC 410 (c)(2)

Requester Default Category: News Media

General Information

Requester Category	News Media
Send Response Via	Mail
Payment Mode	

Shipping Address

Address	820 First Street NE
Apartment/Suite Number	8th Floor
City	Washington
State(US)	District of Columbia
Country	United States
Zip Code	20002

Request Information

Description Document	2018-08-29 USPIS foia request Pamela Gabriel.pdf
Description of Request	"...all communications to and from Pamela Gabriel involving any of the following: Abigail Spanberger, America Rising Corporation, America Rising, Allan Blutstein. Please conduct the search for records created between July 1, 2018 and the date of the search. For identification purposes, we believe Ms. Gabriel is or was an employee or contractor in Human Resources (HQ), Employee Resource Management."
Date Range for Record Search:From	07/01/2018
Date Range for Record Search:To	08/29/2018
Privacy Waiver & Authorization	
Proof of Identity	

Fee Information

Willing Amount	\$25
Fee Waiver Requested	Yes
Fee Waiver Request Reason	Please see attached letter.
Willing to Pay All Fees	No

Expedite Information

Expedited Processing Requested	Yes
Need for Expedited Processing	Please see attached letter



August 29, 2018

To Whom It May Concern:

Pursuant to the Federal Freedom of Information Act, 5 U.S.C. § 552 (the "Act"), Cable News Network, Inc. ("CNN") requests access to and copies of all communications to and from (b)(6);(b)(3): (b)(6);(b)(3): involving any of the following: Abigail Spanberger, America Rising Corporation, America Rising, Allan Blutstein. Please conduct the search for records created between July 1, 2018 and the date of the search. For identification purposes, we believe (b)(6);(b)(3):39 is or was an employee or contractor in Human Resources (HQ), Employee Resource Management.

CNN agrees to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$100. Please notify me prior to your incurring any expenses in excess of that amount.

As a member of a news organization, I am requesting that fees be waived because release of the information is in the public interest and will contribute significantly to public understanding of government operations and activities.

If CNN's request is denied in whole or part, we ask that you justify all deletions by reference to the specific exemptions of the Act. CNN will also expect you to release all segregable portions of otherwise exempt material. CNN reserves the right to appeal your decision to withhold any information.

If you have questions regarding this request, please contact me as soon as possible by email at (b)(6);(b)(3):39 USC 410 (c)(2)

As I have made this request in the capacity as a journalist and this information is of timely value, I would appreciate your expediting the consideration of this request in every way possible. In any event, I look forward to your reply within 20 business days, as the Act requires.

Thank you for your assistance.

Sincerely,

(b)(6);(b)(3):39 USC 410 (c)(2)

cc:

(b)(6);(b)(3):39 USC 410 (c)(2)